

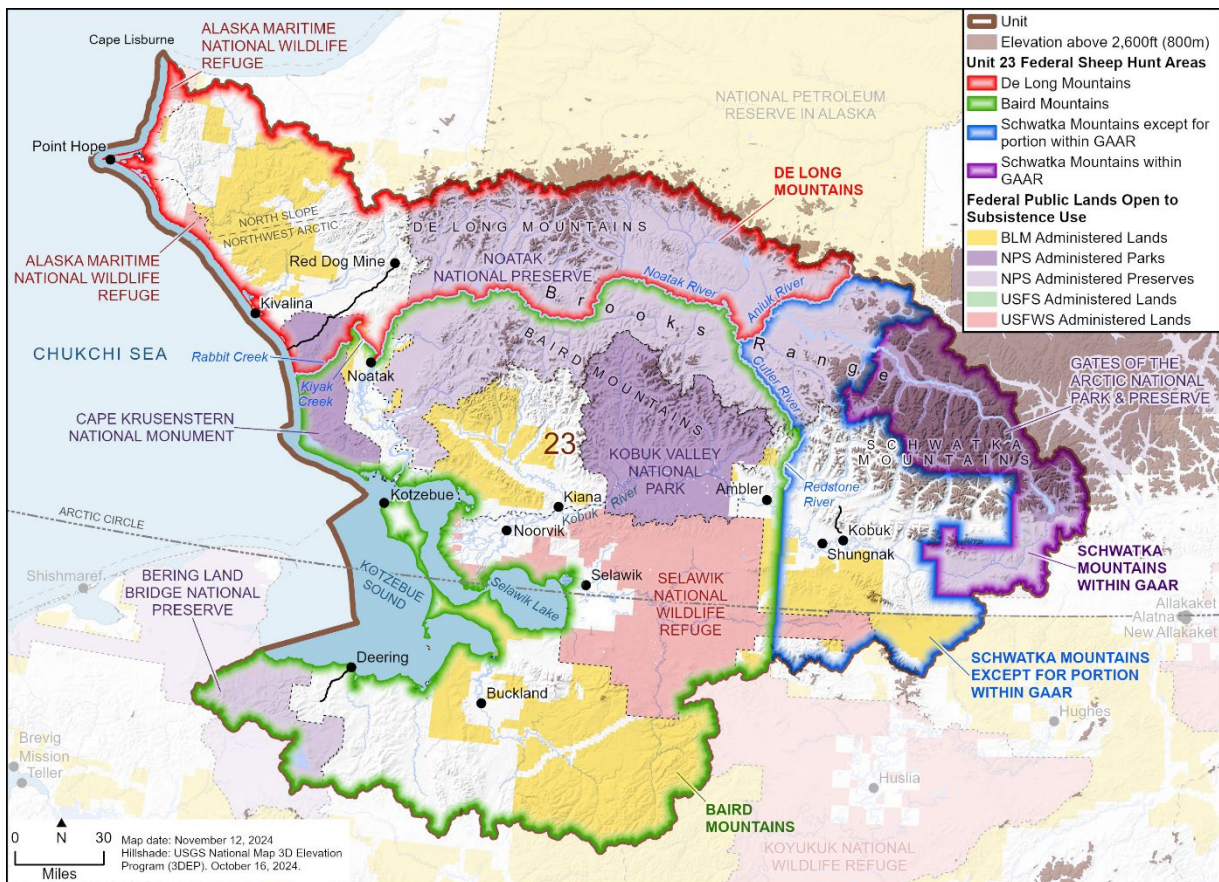
WCR26–18 Executive Summary	
General Description	Wildlife Closure Review WCR26-18 is a standard review of a Federal subsistence wildlife closure to sheep hunting by non-federally qualified users in Unit 23, south of Rabbit Creek, Kiyak Creek, and the Noatak River, and west of the Cutler and Redstone Rivers (Baird Mountains).
Current Regulation	<p>Unit 23–Sheep</p> <p><i>Unit 23, south of Rabbit Creek, Kiyak Creek, and the Noatak River, and west of the Cutler and Redstone Rivers (Baird Mountains)—1 sheep by Federal registration permit.</i> <i>May be announced</i></p> <p><i>Federal public lands are closed to the taking of sheep except by federally qualified subsistence users hunting under these regulations</i></p>
OSM Conclusion	Rescind the Closure
Northwest Arctic Subsistence Regional Advisory Council Recommendation	Retain the status quo
North Slope Subsistence Regional Advisory Council Recommendation	Retain the status quo
Interagency Staff Committee Comments	See full comment at the end of this analysis.
ADF&G Comments	Rescind the Closure

WCR26-18 Executive Summary	
Written Public Comments	None

Wildlife Closure Review WCR26-18

ISSUE: Wildlife Closure Review WCR26-18 is a standard review of a Federal subsistence wildlife closure to sheep hunting by non-federally qualified users in Unit 23, south of Rabbit Creek, Kiyak Creek, and the Noatak River, and west of the Cutler and Redstone Rivers (Baird Mountains) (**Map 1**). It is the Federal Subsistence Board’s (Board) policy that Federal public lands should be reopened when a closure is no longer necessary, and that closures will be reviewed at least once every four years. The purpose of this review is to determine if this closure is still warranted.

Closure Location and Species: Unit 23 (Baird Mountains)– Sheep



Map 1. Federal subsistence sheep hunt areas in Unit 23. The Baird Mountains (green) hunt area contains the closure being reviewed by this analysis.

Closure Dates: Year-round

Current Federal Regulations

Unit 23–Sheep

Unit 23, south of Rabbit Creek, Kiyak Creek, and the Noatak River; and west of the Cutler and Redstone Rivers (Baird Mountains)—1 sheep by Federal registration permit. *May be announced*

Federal public lands are closed to the taking of sheep except by federally qualified subsistence users hunting under these regulations

Current State Regulations

Unit 23–Sheep

Unit 23, residents and non-residents *No open season*

Regulatory Year Initiated: 1999

Closure last reviewed: 2022 – WCR22-18

Justification for Original Closure

Section 815(3) of ANILCA states:

Nothing in this title shall be construed as – (3) authorizing a restriction on the taking of fish and wildlife for nonsubsistence uses on public lands (other than national parks and monuments) unless necessary for the conservation of healthy populations of fish and wildlife, for the reasons set forth in section 816, to continue subsistence uses of such populations, or pursuant to other applicable law...

In 1999, the Board adopted Proposal P99-48, which closed Federal public lands to non-federally qualified users in the Baird Mountains, established an August-April season for one full-curl ram (maximum of 20), and delegated authority to the Superintendent of the Western Arctic National Parklands (WEAR) to annually announce the harvest quota and to divide the harvest into two seasons (fall and winter).

The Board adopted the closure to allow for continued subsistence uses of a sheep population that was recovering from a severe decline associated with severe winters. The population was increasing but was associated with a weak cohort of 4 to 8-year-old sheep and a surplus of older rams (at least 9 years old and generally full-curl). It was determined that a small surplus of older rams was available in the Baird Mountains for a limited subsistence hunt (FSB 1999, FWS 1999).

Council Recommendation for Original Closure

The Northwest Arctic Subsistence Regional Advisory Council (Council) supported Proposal P99-48 with modification to include a designated hunter system, to change the language from “up to 20 permits” to “up to 20 full-curl rams” and to change the phrase “Northwest Areas Parks Superintendent” to “Superintendent of Western Arctic National Parklands.”

The North Slope Subsistence Regional Advisory Council supported Proposal P99-48 with modification to change the language from “up to 20 permits” to “up to 20 full curl rams” and to change the phrase “Northwest Area Park Superintendent” to “Superintendent of Western Arctic National Parklands.”

State Recommendation for Original Closure

The Alaska Department of Fish and Game (ADF&G) commented that Since the Baird Mountains are virtually all Federal land, this area is not an issue. The State did not support the portion of Proposal P99-48 pertaining to the DeLong Mountains. ADF&G clarified that the portion of Unit 23 south of Rabbit Creek, Kiyak Creek, and the Noatak River west of the Cutler and Redstone Rivers is commonly known as the “Baird Mountains.” The original proposal erroneously listed that area as the DeLong Mountains.

Extent of Federal Public Lands

Unit 23 is comprised of 71% Federal public lands and consists of 40% National Park Service (NPS) managed lands, 22% Bureau of Land Management (BLM) managed lands, and 9% US Fish and Wildlife Service (USFWS) managed lands.

Customary and Traditional Use Determination

Residents of Unit 23 north of the Arctic Circle and Point Lay have a customary and traditional use determination for sheep in Unit 23.

National Park Service Resident Zones

Only people living within a national park or monument, people living in resident zone communities, and those households holding subsistence use permits issued under 36 CFR 13.440 may hunt in national parks and monuments. Kobuk Valley National Park and a portion of Cape Krusenstern National Monument are located within the closure area under review. The resident zone communities for Kobuk Valley National Park and Cape Krusenstern National Monument are the NANA region communities (Ambler, Buckland, Deering, Kiana, Kivalina, Kobuk, Kotzebue, Noatak, Noorvik, Selawik, and Shungnak).

Regulatory History

Declining sheep populations during the late 1980s prompted a series of State harvest closures. The requirement for State registration permits for sheep hunting in the Baird Mountains was established in 1982. The initial Federal subsistence hunting regulations in 1991 were established by adopting the existing State harvest limit of one ram with 7/8 curl in the fall hunt and one sheep with a harvest quota of 30 animals in the winter hunt. However, in 1991, low sheep numbers in the Baird Mountains prompted State emergency hunt closures, which continued through 1997. In 1991 and 1992, special actions adopted by the Board closed the sheep harvest south and east of the Noatak River (Baird Mountains), which were repeated by Special Actions through 1997/98 (FWS 1991, 1992, 1993, 1994).

The Alaska Board of Game (BOG) met in November 1997 and revisited sheep regulations in Unit 23. The western portion was re-described, dividing it into the Baird and DeLong Mountain ranges. The number of sheep needed for subsistence was investigated by the State and determined to be 0-9 sheep for the DeLong Mountains and 18-47 sheep for the Baird Mountains. Based on that information and the fact that the surveys showed the first increase in sheep numbers in several years, the BOG preliminarily decided not to close the 1998/99 State season by Emergency Order, with the final decision based on the results of the 1998 sheep surveys. The State season was scheduled to run August 10-April 30.

In July 1998, the Board approved a Special Action S98-04 adopting the State's sheep harvest zones in Unit 23 (Baird, DeLong, and Schwatka mountains), closing Federal public lands to non-federally qualified users in the Baird Mountains, and setting up an August-April season for one full-curl ram (maximum of 20 for each mountain range). In May 1999, the Board adopted Proposal P99-48, putting the special action changes into the permanent regulations with the addition of allowing the Superintendent of the WEAR to annually announce the harvest quota and to divide the harvest into two seasons (fall and winter), and instituting a designated hunter permit system for sheep.

In May 2002, the Board adopted Proposal WP02-39, which implemented regulations for sheep harvest in Units 23 and 26A, including the requirement for trophy destruction of the harvested sheep horns. In 2004, the Board adopted Proposal WP04-72/73 with modification to eliminate the trophy destruction requirement and adopt a mixed-sex hunt with fixed quotas.

On August 8, 2014, ADF&G issued an Emergency Order, closing sheep seasons in Units 23 and 26A for all resident and nonresident hunters. This was done in response to severe declines in sheep numbers in the DeLong and Schwatka mountains. The State initially issued no permits for its drawing hunt (DS384) in 2014, and the hunt was closed by Emergency Order later that year (Saito 2014, pers. comm.).

On August 25, 2014, the Board approved Temporary Special Action WSA14-03, which closed the sheep season on Federal public lands in Unit 23 and in a portion of Unit 26A, west of Howard Pass and the Etivluk River for the 2014/15 season. This was done due to the same conservation concerns detailed in the State's Emergency Order.

In 2015, the Board approved Temporary Special Action WSA15-07, which closed the Federal subsistence sheep hunts in Unit 23, except in that portion within Gates of the Arctic National Park and Preserve (GAAR), and in Unit 26A, that portion west of Howard Pass and the Etivluk River. The Board stated that closing the Federal subsistence sheep hunting in Unit 23, except for those lands within the GAAR, and closing the Federal sheep season in Unit 26A west of Howard Pass and the Etivluk River (DeLong Mountains) is necessary to assure the continued viability of the population as mandated under the Alaska National Interest Lands Conservation Act. In addition to temporarily closing the Federal subsistence sheep hunts, the Board stipulated that establishing new hunt area descriptors within the Unit 23 remainder (Schwatka Mountains) would separate those lands within GAAR from those outside to help clarify management responsibility.

In March of 2015, the BOG adopted Proposal 203, which closed all sheep seasons in Unit 23 and in Unit 26A, west of Howard Pass and the Etivluk River in response to the drastic population declines in the area. Hunt areas and hunt types were retained so that similar hunt regimes could be restored once the population recovered. Sheep seasons in Unit 23 have remained closed under State regulations.

In 2016, the Board adopted Proposal WP16-53 with modification to establish a may be announced sheep seasons in the Baird and DeLong mountains hunt areas of Unit 23 and to delegate authority to open and close the season, determine annual harvest quotas and limits to the Superintendent of WEAR (**Appendix 1**). No Federal sheep hunts in the Baird and DeLong mountains have been announced since 2014, due to severe conservation concerns.

In 2020, the Board approved a revised closure policy, which stipulated all closures will be reviewed every four years. The policy also specified that closures, like regulatory proposals, will be presented to the Councils for a recommendation and then to the Board for a final decision. Previously, closure reviews were presented to Councils who then decided whether to maintain the closure or to submit a regulatory proposal to modify or eliminate the closure.

In 2022, the Board voted to retain status quo for Closure Review WCR22-18 due to continued conservation concerns. The Board stated that the sheep population in the Baird Mountains remains low and estimates have declined by 73% since 2011, with few large rams and no harvestable surplus. Further, the state sheep season has been closed since 2014 and the WEAR Superintendent has delegated authority to announce a federal sheep season, and to close sheep hunting to non-federally qualified users when necessary. However, no Federal sheep hunting season has been announced since 2014 due to conservation concerns.

Designated Hunter Permit System

Designated hunter permits are distributed by the NPS from their Kotzebue office to anyone who qualifies. To qualify, both the hunter and the recipient must be residents of Unit 23 north of the Arctic Circle (all communities in Unit 23 except Deering, and Buckland), or Point Lay. In addition, both the hunter and the recipient must have a hunting license and a permit to hunt sheep. Were a sheep hunt to be announced, there would be no limit to the number of sheep permits distributed. The hunt would be closed once the quota is reached.

Current Events

Proposal WP26-01 requests to move authority to manage Federal hunts currently delegated to Federal in-season managers through Delegation of Authority Letters (DALs) into unit-specific regulations for many hunts across Alaska and to rescind the associated DALs. The delegated authority to the WEAR superintendent for in-season management of Unit 23 and 26A sheep is included in this proposal (**Appendix 1**). The authority to close Federal public land to nonsubsistence uses is not proposed to be transferred, so adoption of Proposal WP26-01 would result in the WEAR superintendent losing that authority.

Biological Background

The Dall's sheep in the Baird Mountains of Unit 23 are at the northwestern margin of their range in Alaska and because of this, weather events affect their populations more than sheep populations in areas with more abundant habitat and stable range conditions (Shults 2004, Westing 2011). In addition, declines in the presence and/or population of the Western Arctic caribou herd may also impact the Unit 23 sheep population as wolves depend more on alternative prey.

Sheep densities in Unit 23 are historically low compared to other areas of the State (Singer 1984). Severe winters in the 1990s resulted in high natural mortality, dramatically reduced sheep numbers in the area, and caused the closure of the general and subsistence hunts between 1991 and 1995 (Shults 2004).

ADF&G management objectives for sheep in Units 23 and western 26A are to monitor sheep with the NPS within each area at least once every 3 years to detect changes in population status. In addition, ADF&G will monitor harvest through harvest tickets, permits, and community-based harvest surveys (Westing 2011).

NPS management objectives for Dall's sheep include monitoring sheep abundance and sex-age composition across WEAR and GAAR by conducting surveys every five years across these parklands and every other year in the western Baird Mountains subarea of WEAR (Lawler et al. 2009). The NPS now intends to try and monitor sheep on an annual basis, when funding and weather conditions allow (Deacy 2020, pers. comm.).

Aerial surveys for sheep in the western Baird Mountains are conducted during July, following the formation of post-lambing aggregations (Shults 2004; Rattenbury 2015, pers. comm.). The survey area encompasses habitat that has the highest density of sheep in the Baird Mountains. However, the population is not closed and sheep are distributed, albeit at lower densities, throughout the Baird and Schwatka Mountains to the east (FWS 2004). During surveys, sheep are counted and classified as ewe-likes, lambs, and rams (by horn size). The "ewe" class includes small rams that are indistinguishable from ewes during aerial surveys. Distance sampling (Schmidt et al. 2013) has been used to estimate total abundance and sex and age composition in the Western Baird Mountains since 2011 (Rattenbury 2015, pers. comm.).

The NPS, in coordination with ADF&G, completed sheep surveys in the Western Baird Mountains in 2011, from 2014-2019, and in 2024. Between 2011 and 2019, the sheep population estimates ranged from 174-643 sheep. The highest and lowest estimates occurred in 2011 and 2019, respectively, representing an approximate 73% decline in the population estimate (**Figure 1**) (Deacy 2020, pers. comm.). Preliminary results for the survey conducted in July 2024 were 307 total sheep which provisionally indicated an increase since the last survey in 2019 (Delisle 2025, pers. comm.). However, preliminary results of the 2025 survey decreased to 76 total sheep, which would be the lowest estimate ever recorded (Delisle 2025, pers. comm.).

Between 2011 and 2019, the lamb:100 ewe-like sheep ratio ranged from 1-52 lambs:100 ewe-like sheep with the lowest and highest ratios occurring in 2014 and 2019, respectively (**Figure 2**) (Deacy 2020, pers. comm.). Low lamb productivity in 2014 was partially attributed to the long and cold 2012-2013 winter, late spring and record cold temperatures in May 2013 (NPS

2014, unpublished data; Rattenbury et al. 2018). The preliminary estimated lamb:100 ewe-like sheep ratio from the 2024 survey is slightly less than the 2019 estimate (Delisle 2024, pers. Comm.).

Between 2011 and 2019, the total number of rams:100 ewe-like sheep ranged from 17 to 29 rams:100 ewe-like sheep (**Figure 2**). Over the same time period, the full curl ram:ewe-like sheep ratio ranged from 1 to 9 full curl rams:100 ewe-likes (Deacy 2020, pers. comm.). These low ratios indicate there are very few to no large rams available for harvest (NPS 2014, unpublished data).

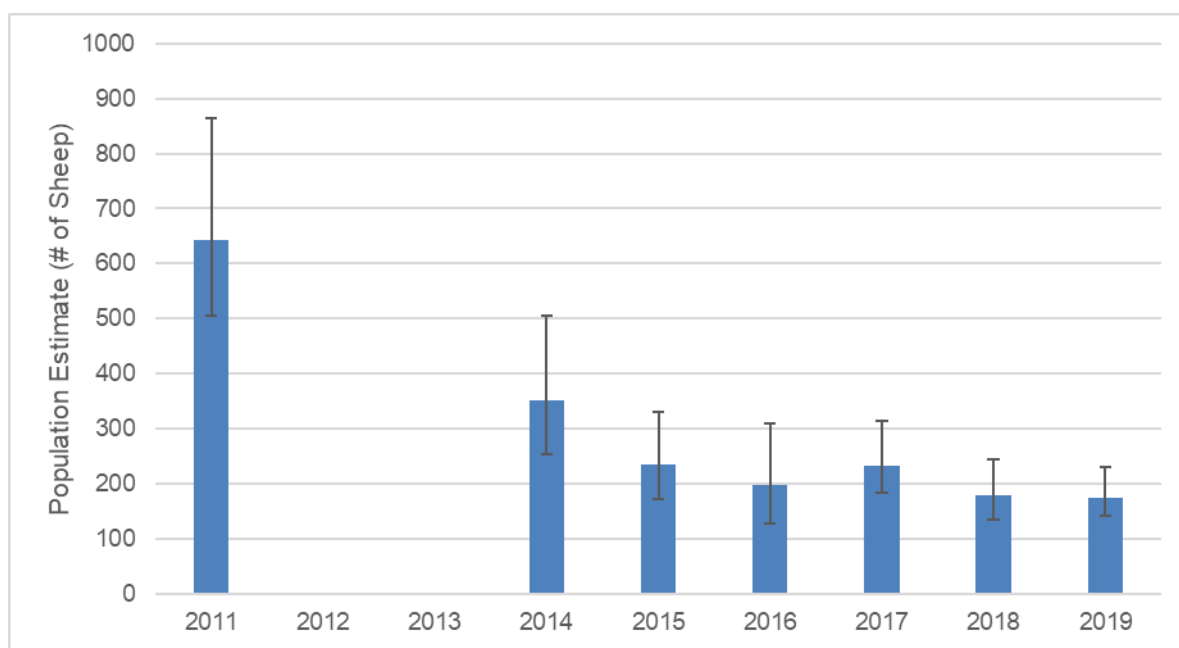


Figure 1. Sheep population estimates in the Western Baird Mountains. Error bars represent 95% confidence intervals (Deacy 2020, pers. comm.).

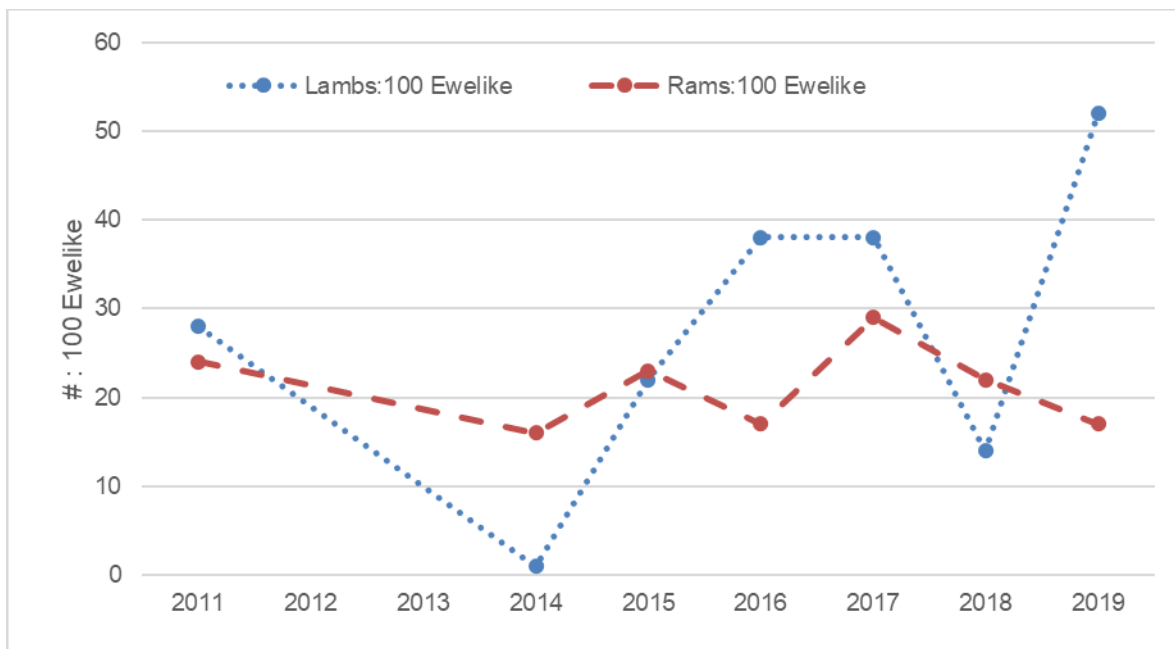


Figure 2. Number of lambs:100 ewe-like sheep and number of rams:100 ewe-like sheep in the Western Baird Mountains (Deacy 2020, pers. comm.).

Cultural Knowledge and Traditional Practices

Dall’s sheep, or *ipniaq*, have never been a primary food source for the Iñupiat of northwest Alaska, but their skin, sinew, horns, and fat have provided vital materials, and sheep have served as an emergency winter food for generations. During times when caribou were scarce, sheep became an important alternative food source (Georgette and Loon 1991). Sheep skins were valued more than caribou hides because they were light and warm. Because sheep skins were more suitable for use in the summer, this was the traditional sheep hunting season prior to the 1880s (Georgette and Loon 1991). While skins were traditionally used for clothing and sleeping bags, horns were crafted into everyday items (Georgette and Loon 1991).

At the time of European contact, the *Nuataagmiut* of the upper Noatak River valley were the most prolific sheep hunters in Northwest Alaska (Georgette and Loon 1991). Using ethnographic methods and an assessment of caloric needs, Don Foote estimated one year’s subsistence harvest by the *Nuataagmiut* circa 1850. Foote estimated that this Iñupiat society may have harvested as many as 70 sheep in summer and 144 sheep in winter (Foote 1965: 292). Writing about the *Nuataagmiut* in the mid-nineteenth century, Burch (1998) noted that “Dall Sheep were hunted as targets of opportunity, and people living near the Grand Canyon and lower Nimiuktuk River regularly set snares along sheep trails” (Burch 1998: 102). Less is known about the sheep hunting patterns of the *Kikiktagrumiut* (or *Qikiqtagruṅmiut*) of the present-day Kotzebue area, but in the first half of the 19th century, their seasonal round

“included fall caribou hunting in the western Baird Mountains...and sheep may have been taken incidental to this” (Georgette and Loon 1991:25).

Caribou declined in the region in the 1870s and 1880s, profoundly impacting the people of northwest Alaska. Residents began to travel more widely in search of caribou and other subsistence species. They also traveled widely to trap, which was profitable during this time. With the decline in caribou, sheep became much more important as a food source, particularly for Kobuk River communities, and were hunted opportunistically when encountered (Georgette and Loon 1991). However, by the end of the nineteenth century, Dall sheep had largely disappeared from the Baird Mountain area. As Burch (1998: 159) explains, “Many years ago, Iñupiaq elders told Nelson Walker that sheep had been abundant in the Baird Mountains until rifles came into use in the 1880s. The new weapon, which made sheep hunting easier than it had been, combined with the increased demand arising from the caribou decline, led to overhunting and extermination of the sheep from that range.”

In the 1940s, the caribou population began to recover, and intensive summer and winter sheep hunting declined (Anderson et al. 1998[1977], Georgette and Loon 1991). Summer sheep hunting also became less important as skin clothing fell out of use (Georgette and Loon 1991). However, even as caribou returned, Noatak hunters continued to hunt sheep, because they lived close to good sheep hunting areas (Georgette and Loon 1991). In the 1970s, sheep returned to the Igichuk Hills near Sisualik after being gone for at least 100 years, resulting in a local sheep population accessible to Kotzebue hunters (Georgette and Loon 1991).

From the late 1980s to 1991, Georgette and Loon conducted ethnographic interviews with residents of communities in northwest Alaska with sheep hunting traditions (Georgette and Loon 1991). At the time of Georgette and Loon’s study, “sheep meat was still regarded by most as a favored specialty food” (1991: 8). Kobuk River communities were not hunting as many sheep as in the past, in part because caribou were once again abundant. However, elders continued to crave sheep meat. One Ambler resident explained: “We grew up on it because there were no caribou, that’s why” (Georgette and Loon 1991: 15).

Based on the results of Georgette and Loon’s 1991 study, Noatak, Kotzebue, and Noorvik are the communities with a recent history of harvesting sheep in the Baird Mountain area. Noatak was the most active sheep hunting community. Noatak residents who were interviewed in the late 1980s to 1991 estimated that the community harvested 10 to 30 sheep annually (Georgette and Loon 1991). Kotzebue respondents estimated their community harvested 8 to 13 sheep annually, and Noorvik’s estimate was between 0 to 5 sheep per year (Georgette and Loon 1991).

In the late 1980s to 1991, Noatak hunters took sheep from June to September and in March and April. Traditional sheep hunting areas had remained very stable over time (Georgette and Loon 1991). Summer and fall hunting took place in the upper Noatak River canyon, among other locations. According to Georgette and Loon, "Hunting sheep in the upper canyon was a very old tradition"(1991: 18).

By the time of Georgette and Loon's 1991 study, Noatak hunters had observed a decline in sheep over time, which they attributed to increased sport hunting, traffic, and recreational camping and floating. In winter and spring, Noatak residents hunted sheep in the western Baird Mountains, "primarily in Kungiakrok Creek...the Maiyumerak Mountains...and the upper Eli River" (1991: 18). Current ethnographic fieldwork in Noatak has also documented use of the Maiyumerak Mountains for sheep hunting (Creek 2024, pers. comm). Noorvik residents hunted sheep in northern tributaries of the Squirrel River as well as in Kungiakrok Creek (Georgette and Loon 1991). At the time of Georgette and Loon's study, residents were using sheep fat in *akutuq*, ("Eskimo ice cream"), and sheep horns to make ulu handles (Georgette and Loon 1991).

Kotzebue residents hunted in the same areas as Noatak, with the addition of Igichuk Hills and the upper Agashashok River. In the late 1980s, reported harvest indicated that Kotzebue hunters were harvesting three or four sheep a year in the Baird Mountains. Within the Baird Mountain area, they hunted sheep within the Maiyumerak Mountains, particularly Kungiakrok Creek and the upper Eli River in fall, often using planes to access sheep during this time of year. In winter they accessed sheep hunting areas by snow machine (Georgette and Loon 1991). During Georgette and Loon's study period, some Kotzebue families received sheep meat from families in Noatak, or from sport hunters who gave away unwanted meat (Georgette and Loon 1993). Interviewees in Georgette and Loon's (1991) study commonly reported that a higher harvest limit was needed for sheep, because hunters are obligated to share, and a single sheep provides too little meat to share widely.

Table 1 includes all reported sheep harvested under the FS2301 Federal permit in Unit 23 from 1998 to 2014, by community of residence. This permit includes other Unit 23 hunt areas in addition to Baird Mountains. The last year that FS2301 permits were issued was 2014. Of all Unit 23 communities, only Kotzebue, Noatak, Noorvik, and Kiana reported sheep hunting and harvest using the FS2301 permit. A subsistence survey of Kotzebue conducted by ADF&G, Division of Subsistence for the 2014 study year documented one small search area for sheep, located about 20 miles northeast of the community in the Noatak River drainage (Braem et al. 2017). At that time, a key respondent explained that "the population of Dall sheep in the Baird Mountains and Black Mountains ha[d] crashed due to predation by wolves and environmental conditions" (Braem et al. 2017: 437).

Table 2 includes data from subsistence studies conducted by ADF&G, Division of Subsistence in Kotzebue, Noatak, and Noorvik between 1986 and 2014, in which the communities' harvest and use of sheep was documented. Subsistence surveys seek to capture harvest under any opportunity, although State and Federal sheep hunts were closed from 1991-1997. The Federal sheep hunt was closed again from 1999-2000. Harvest levels are shaped not only by the availability of sheep but also by the availability of other species, such as caribou, and the regulatory opportunity provided in any given year. On average, Division of Subsistence estimated that Noatak harvested five sheep per survey year and Kotzebue harvested ten sheep per survey year, while Noorvik residents did not harvest sheep (ADF&G 2024, **Table 2**).

Table 1. The number of sheep hunted and harvested by communities in Unit 23 under Federal permit FS2301 between 1998 and 2014 (OSM 2024). Communities not included in the table had no reported Federal harvest during this period. The Federal sheep hunt was closed in 1999 and 2000.

Community	Number of Sheep Hunters	Number of Sheep Harvested
Kotzebue	157	108
Noatak	41	34
Noorvik	8	4
Kiana	3	1
Total	209	147

Table 2. Multiple measures of sheep harvest and use by residents of Noatak, Kotzebue, and Noorvik, averaged across all survey years between 1986 and 2014 (ADF&G 2024). Noatak was surveyed in 2007 (Magdanz et al. 2010) and 2010 (ADF&G 2024). Kotzebue was surveyed in 1986 (Georgette and Loon 1993), 1991 (Fall and Utermohle 1995), and 2014 (Braem et al. 2017). Noorvik was surveyed in 2008 (Braem 2012) and 2012 (Braem et al. 2017). State and Federal sheep hunts were closed from 1991 to 1997. HHs = Households.

Community	% of Surveyed HHs Using Sheep	% of Surveyed HHs Attempting to Harvest Sheep	% of Surveyed HHs Harvesting Sheep	% of Surveyed HHs Receiving Sheep	Estimated Pounds of Sheep Harvested Per Person	Estimated Number of Sheep Harvested
Noatak	8%	4%	3%	6%	1.2	5
Kotzebue	4%	3%	1%	4%	0.3	10
Noorvik	1%	0%	0%	1%	0.0	0

Harvest History

Low sheep abundance resulted in closures for both the State and Federal hunting seasons in the Baird Mountains from 1991 to 1997. Sheep hunting in the Baird Mountains has been administered by the NPS since 1995. The Federal subsistence hunt was opened in the 1998/99 regulatory year and harvest occurred each year through 2014 except 1999/00 and 2000/01, when low numbers of full-curl rams were observed during surveys and the hunt was closed. Since 1998, only federally qualified subsistence users have been eligible to harvest sheep in the Baird Mountains when the hunt is open. Only full-curl rams were allowed to be harvested until 2004/05, when harvest was open to any sheep and quotas were set at 15 rams and 6 ewes. Harvest reports show that the reported sheep harvest in the Baird Mountains portion of Unit 23 remained under the quota each year that a hunt occurred between 1998 and 2014, except for 2005/06 when the harvest went over quota by one ram (OSM 2024).

Between 2004 and 2014, the annual reported sheep harvest in Units 23 and 26A averaged 23 animals under both State hunting and Federal subsistence regulations, ranging from 17 to 31 sheep. The majority of harvest came from Federal subsistence registration hunts in Unit 23. No sheep harvest has occurred in the Baird Mountains under State or Federal regulations since 2014 when seasons were closed due to conservation concerns.

Effects

The sheep population in the Baird Mountains remains low, with estimates declining approximately 73% since 2011 with few large rams and no harvestable surplus. If this closure were lifted, non-federally qualified subsistence users would be allowed to hunt sheep on Federal public lands in the Baird Mountains. However, the State sheep season has been closed since 2014, and the WEAR superintendent currently has delegated authority to close sheep hunting to non-federally qualified users if necessary (**Appendix 1**). Therefore, rescinding the closure would currently have little effect on the sheep population as hunting by non-federally qualified users could be curtailed by other means if the State did open a hunt.

The WEAR Superintendent also has delegated authority to announce a Federal sheep season. A season has not been announced since 2014 due to conservation concerns. Therefore, extending the closure to all federally qualified subsistence users would also not have any effect on the sheep population. However, maintaining the may be announced season and delegated authority allows for hunt flexibility and harvest opportunity in the event that the sheep population recovers and a harvestable surplus exists.

Sheep populations in the DeLong and Schwatka Mountains are similarly low, but there are no Federal lands closure because State hunts are closed, and the WEAR superintendent currently

has authority to close Federal lands to non-federally qualified users if necessary, in all of the relevant hunt areas. Therefore, rescinding the closure would have no impact on the sheep population or subsistence users, but would reduce the regulatory and administrative burdens associated with closures, and would align management of the Baird Mountain hunt area with the DeLong and Schwatka Mountain hunt areas in Unit 23.

OSM CONCLUSION

- Retain the Status Quo**
- Rescind the Closure**
- Modify the Closure to Click or tap here to enter text.**
- Defer Decision on the Closure or Take No Action**

Justification

While the Baird Mountains sheep population is very low and cannot withstand any harvest, the State sheep hunt in Unit 23 has been closed since 2014. If a harvestable surplus becomes available and a season is announced, the WEAR Superintendent currently has the authority to close Federal lands to non-federally qualified users if necessary via a delegation of authority letter, so that federally qualified subsistence users will be assured a limited but meaningful hunting opportunity and subsistence priority (**Appendix 1**).

While the WEAR superintendent may lose their authority to close Federal public lands in Unit 23 to nonsubsistence uses of sheep if WP26-01 is adopted, OSM maintains that retaining this closure in regulation is unnecessary since the State hunt has been closed since 2014. If a State hunt does open in the future, the Board could administratively delegate temporary authority to close Federal public lands to non-federally qualified users to the WEAR superintendent, if necessary. A temporary or emergency special action could also be submitted.

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SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

Northwest Arctic Subsistence Regional Advisory Council

The Council voted to **retain the status quo** for WCR26-18. The Council believes that maintaining the closure to protect this subsistence resource is in the best interest of the region at this time as there are substantial conservation concerns for sheep.

North Slope Subsistence Regional Advisory Council

The Council voted to **retain the status quo** for WCR26-18. The Council stated that the closure is necessary for the conservation of the sheep population. Additionally, the Council stated that rescinding the closure could reduce hunting opportunities for federally qualified subsistence users and promote competition for harvest with non-federally qualified users.

INTERAGENCY STAFF COMMITTEE

The Federal Subsistence Board (Board) will need to consider a few key sections of ANILCA before taking action on proposals requesting closures and closure reviews. Specifically, those sections of Title VIII pertaining to Council Deference and the limitations to closures or restrictions of subsistence and nonsubsistence uses on federal public lands.

ANILCA Section 815(3) clarifies that “nothing in this title shall be construed as...authorizing a restriction on the taking of fish and wildlife for nonsubsistence uses on public lands unless necessary for the conservation of healthy populations of fish and wildlife, for the reasons set forth in 816, to continue subsistence uses of such populations, or pursuant to other applicable law.”

ANILCA Section 816(b) allows for closure or restriction of Federal public lands to subsistence uses of fish and wildlife for “for reasons of public safety, administration, or to assure the continued viability of a particular fish or wildlife population.”

ANILCA Section 805(c) the Board must consider the recommendations of the Councils “concerning the taking of fish and wildlife” on public lands in their regions and may choose not to follow such a recommendation only if it is not supported by substantial evidence, violates recognized principles of fish and wildlife conservation, or would be detrimental to the satisfaction of subsistence needs.

These three sections speak to the heart of Board authority and require a careful balance between the federal priority, the continuation of subsistence uses, the necessary conservation of subsistence fish and wildlife, and unnecessary restrictions. In the case of WCR26-18, there is currently no open state season for sheep in the Baird Mountains, and no harvest has taken place under state or federal regulations since 2014. Regardless, extreme conservation concerns persist. The ISC suggests that the Council’s recommendation to retain the closure to the harvest of sheep by non-federally qualified users in Unit 23 may meet the criteria for deference.

Alaska Department of Fish and Game Comments

Wildlife Closure WCR26-18

This is a review of the current federal subsistence hunting closure to sheep hunt on federal public lands within the Baird Mountains Area to non-federally qualified users (NFQU).

Position

The Alaska Department of Fish & Game (ADF&G) **SUPPORTS** rescinding the closure. There is no open state season for sheep within Game Management Unit (GMU) 23 and what harvest does occur, the Superintendent of Western Arctic National Parklands (WEAR) has the delegated authority on federal public lands to provide opportunities to FQUs until such a time as the population reaches a size ADF&G would consider establishing a season for Dall sheep within GMU 23.

ANILCA §1314(a) explicitly states: "Nothing in this Act is intended to enlarge or diminish the responsibility and authority of the State of Alaska for management of fish and wildlife on the public lands except as may be provided in Title VIII..." Title VIII provides only a narrow exception allowing the Secretary to restrict State-authorized harvest when necessary to meet the needs of federally qualified rural residents. Section 802(2) establishes the policy that "nonwasteful subsistence uses of fish and wildlife and other renewable resources shall be the priority consumptive use of all such resources on the public lands of Alaska **when it is necessary to restrict taking in order to assure the continued viability of a fish or wildlife population or the continuation of subsistence uses of such population...**" [emphasis added]. Section 804 reiterates this policy and establishes criteria to implement a priority when the above conditions are met. It does not authorize wholesale replacement of State management. Per §815(3) of ANILCA, "...restriction on nonsubsistence uses are only authorized when necessary for the conservation of healthy wildlife populations or to continue subsistence uses."

Background

Sheep within GMU 23 are at the northwestern margin of their habitat and populations can be strongly affected by stochastic environmental events. In 2012 and 2013, harsh winter weather likely led to poor recruitment and high adult mortality. Population estimates for the Baird Mountains declined by roughly 50% between 2011 and 2014 (587 sheep to 309 sheep) and prompted the closure of all sheep seasons by emergency order in August of 2014. The Federal Subsistence Board (FSB) took similar measures through a Temporary Special Action which closed the sheep season on federal public lands in GMU 23. In March of 2015, the Alaska Board of Game (BOG) adopted a proposal submitted by ADF&G to close all state sheep seasons in GMU 23 beginning RY2015. The FSB adopted a 2016 proposal, with modifications, that gave delegated authority to the Superintendent of the WEAR to open and close a may-be-announced season and determine annual harvest quotas and limitations. These state and federal regulations have remained in place since that time.

Surveys of sheep within the Baird Mountains are conducted in partnership with the National Park Service and were completed in 2014 through 2019. Due to poor weather and logistical constraints, a survey was not completed in 2020 or 2021. The last abundance estimate within the Baird Mountains was 174 sheep

(95% CI: 141-230). Estimates between 2014 and 2019 indicate that sheep abundance remains low throughout the GMU.

Impact on Federally Qualified Users

If the closure is rescinded it will not impact federally qualified users (FQU), since the Superintendent of WEAR would still hold delegated authority to open or close federal public lands to NFQUs.

Impact on Other Users

If the closure is rescinded it will not impact NFQUs since the hunt is currently closed under state regulations.

Opportunity Provided by State

State customary and traditional use findings: The Alaska Board of Game (BOG) has made positive customary and traditional use findings for sheep in GMU 23 Baird Mountains.

Amounts Reasonably Necessary for Subsistence: Alaska state law requires the BOG to determine the amount of the harvestable portion of a game population that is reasonably necessary for customary and traditional uses. This is an ANS. The BOG does this by reviewing extensive harvest data from all Alaskans, collected either by ADF&G or from other sources.

ANS provides the board with guidelines on typical numbers of animals harvested for customary and traditional uses under normal conditions. Hunting regulations can be re-examined if harvests for customary and traditional uses consistently fall below ANS. This may be for many reasons: hunting regulations, changes in animal abundance or distribution, or changes in human use patterns, just to name a few.

The ANS for sheep within the Baird Mountains of GMU 23 is 18-47 animals. The season and bag limit for sheep is:

<u>Unit/Area</u>	<u>Bag Limit</u>	<u>Open Season (Permit/Hunt #)</u>	
		<u>Resident^a</u>	<u>Nonresident</u>
23		No open season	No open season

^a Subsistence and General Hunts.

Conservation Issues

Due to concern over low abundance, there has been no open season for sheep on state managed lands since 2015. Removal of the closure to NFQUs would not currently result in a conservation concern since there is no opportunity for legal harvest under state management within GMU 23.

Enforcement Issues

No enforcement issues would be expected since currently there are no opportunities for legal harvest under state management within GMU 23.

APPENDIX 1



FISH and WILDLIFE SERVICE
BUREAU of LAND MANAGEMENT
NATIONAL PARK SERVICE
BUREAU of INDIAN AFFAIRS

Federal Subsistence Board

1011 East Tudor Road, MS121
Anchorage, Alaska 99503-6199



FOREST SERVICE

OCT 26 2018

OSM 180111.CM

Superintendent
Western Arctic National Parklands
PO Box 1029
Kotzebue, Alaska 99752

Dear Superintendent:

This letter delegates specific regulatory authority from the Federal Subsistence Board (Board) to the Superintendent of the Western Arctic National Parklands to issue emergency or temporary special actions if necessary to ensure the conservation of a healthy wildlife population, to continue subsistence uses of wildlife, for reasons of public safety, or to assure the continued viability of a wildlife population. This delegation only applies to the Federal public lands subject to Alaska National Interest Lands Conservation Act (ANILCA) Title VIII jurisdiction within Unit 23, except for that portion of Unit 23 remainder (Schwotka Mountains) within Gates of the Arctic National Park; and in that portion of Unit 26A west of Howard Pass and the Etivluk River (DeLong Mountains) for the management of sheep on these lands.

It is the intent of the Board that actions related to management of sheep by Federal officials be coordinated, prior to implementation, with the Alaska Department of Fish and Game (ADF&G), representatives of the Office of Subsistence Management (OSM), the National Park Service (Superintendent for Gates of the Arctic National Park), the Bureau of Land Management, and the Chair of the affected Council(s) to the extent possible. The Office of Subsistence Management will be used by managers to facilitate communication of actions and to ensure proposed actions are technically and administratively aligned with legal mandates and policies. Federal managers are expected to work with managers from the State and other Federal agencies, the Council Chair or alternate, local tribes, and Alaska Native Corporations to minimize disruption to subsistence resource users and existing agency programs, consistent with the need for special action.

DELEGATION OF AUTHORITY

1. Delegation: The Superintendent of Western Arctic National Parklands is hereby delegated authority to issue emergency or temporary special actions affecting sheep on Federal lands as

Superintendent

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outlined under the **Scope of Delegation**. Any action greater than 60 days in length (temporary special action) requires a public hearing before implementation. Special actions are governed by Federal regulation at 36 CFR 242.19 and 50 CFR 100.19.

2. Authority: This delegation of authority is established pursuant to 36 CFR 242.10(d)(6) and 50 CFR 100.10(d)(6), which state: "The Board may delegate to agency field officials the authority to set harvest and possession limits, define harvest areas, specify methods or means of harvest, specify permit requirements, and open or close specific fish or wildlife harvest seasons within frameworks established by the Board."

3. Scope of Delegation: The regulatory authority hereby delegated is limited to the following authorities within the limits set by regulation at 36 CFR 242.26 and 50 CFR 100.26:

- To set opening and closing dates for the sheep season on Federal public lands in Unit 23, except for that portion of Unit 23 remainder (Schwotka Mountains) within Gates of the Arctic National Park and Preserve; and in that portion of Unit 26A west of Howard Pass and the Etivluk River (DeLong Mountains).
- As needed, set or adjust the annual harvest quotas and limits for sheep on Federal public lands in Unit 23, except for that portion of Unit 23 remainder (Schwotka Mountains) within Gates of the Arctic National Park; and in that portion of Unit 26A west of Howard Pass and the Etivluk River (DeLong Mountains).

This delegation also permits you to close and reopen Federal public lands to nonsubsistence hunting, but does not permit you to specify methods and means, permit requirements, or harvest and possession limits for State-managed hunts.

This delegation may be exercised only when it is necessary to conserve sheep populations, to continue subsistence uses, for reasons of public safety, or to assure the continued viability of the populations. All other proposed changes to codified regulations, such as customary and traditional use determinations or adjustments to methods and means of take, shall be directed to the Board.

The Federal public lands subject to this delegated authority are those within Unit 23, except for that portion of Unit 23 remainder (Schwotka Mountains) within Gates of the Arctic National Park; and in that portion of Unit 26A west of Howard Pass and the Etivluk River (DeLong Mountains).

4. Effective Period: This delegation of authority is effective from the date of this letter and continues until superseded or rescinded.

5. Guidelines for Delegation: You will become familiar with the management history of the wildlife species relevant to this delegation in the region, with current State and Federal regulations and management plans, and be up-to-date on population and harvest status

Superintendent

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information. You will provide subsistence users in the region a local point of contact about Federal subsistence issues and regulations and facilitate a local liaison with State managers and other user groups.

You will review special action requests or situations that may require a special action and all supporting information to determine (1) consistency with 50 CFR 100.19 and 36 CFR 242.19, (2) if the request/situation falls within the scope of authority, (3) if significant conservation problems or subsistence harvest concerns are indicated, and (4) what the consequences of taking an action or no action may be on potentially affected Federally qualified subsistence users and non-Federally qualified users. Requests not within your delegated authority will be forwarded to the Board for consideration. You will maintain a record of all special action requests and rationale for your decision. A copy of this record will be provided to the Administrative Records Specialist in OSM no later than sixty days after development of the document.

For management decisions on special actions, consultation is not always possible, but to the extent practicable, two-way communication will take place before decisions are implemented. You will also establish meaningful and timely opportunities for government-to-government consultation related to pre-season and post-season management actions as established in the Board's Government-to-Government Tribal Consultation Policy (Federal Subsistence Board Government-to-Government Tribal Consultation Policy 2012 and Federal Subsistence Board Policy on Consultation with Alaska Native Claim Settlement Act Corporations 2015).

You will immediately notify the Board through the Assistant Regional Director for OSM, and coordinate with the Chair(s) or alternate of the affected Council(s), local ADF&G managers, and other affected Federal conservation unit managers concerning emergency and temporary special actions being considered. You will ensure that you have communicated with OSM to ensure the special action is aligned with ANILCA Title VIII, Federal Subsistence regulations and policy, and that the perspectives of the Chair(s) or alternate of the affected Council(s), OSM, and affected State and Federal managers have been fully considered in the review of the proposed special action.

If the timing of a regularly scheduled meeting of the affected Council(s) permits without incurring undue delay, you will seek Council recommendations on the proposed temporary special action(s). If the affected Council(s) provided a recommendation, and your action differs from that recommendation, you will provide an explanation in writing in accordance with 50 CFR 100.10(e)(1) and 36 CFR 242.10(e)(1).

You will issue decisions in a timely manner. Before the effective date of any decision, reasonable efforts will be made to notify the public, OSM, affected State and Federal managers, law enforcement personnel, and Council members. If an action is to supersede a State action not yet in effect, the decision will be communicated to the public, OSM, affected State and Federal managers, and the local Council members at least 24 hours before the State action would be effective. If a decision to take no action is made, you will notify the proponent of the request immediately. A summary of special action requests and your resultant actions must be provided

Superintendent

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to the coordinator of the appropriate Council(s) at the end of each calendar year for presentation to the Council(s).

You may defer a special action request, otherwise covered by this delegation of authority, to the Board in instances when the proposed management action will have a significant impact on a large number of Federal subsistence users or is particularly controversial. This option should be exercised judiciously and may be initiated only when sufficient time allows for it. Such deferrals should not be considered when immediate management actions are necessary for conservation purposes. The Board may determine that a special action request may best be handled by the Board, subsequently rescinding the delegated regulatory authority for the specific action only.

6. Support Services: Administrative support for regulatory actions will be provided by the Office of Subsistence Management.

Sincerely,



Anthony Christianson
Chair

Enclosures

cc: Federal Subsistence Board

Assistant Regional Director, Office of Subsistence Management
Deputy Assistant Regional Director, Office of Subsistence Management
Subsistence Policy Coordinator, Office of Subsistence Management
Wildlife Division Supervisor, Office of Subsistence Management
Subsistence Council Coordinators, Office of Subsistence Management
Chair, Northwest Arctic Subsistence Regional Advisory Council
Chair, North Slope Subsistence Regional Advisory Council
Superintendent, Gates of the Arctic National Park and Preserve
Manager, BLM Arctic Field Office
Manager, BLM Anchorage Field Office
Commissioner, Alaska Department of Fish and Game
Special Assistant to the Commissioner, Alaska Department of Fish and Game
Interagency Staff Committee
Administrative Record